

**Stow Conservation Commission  
Minutes  
February 1, 2022**

A meeting of the Stow Conservation Commission was held on February 1, 2022 at 7:30 in the evening remotely VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Matt Styckiewicz, Vice Chair  
Jeff Saunders  
Liza Mattison  
Holly Clack  
Doug Morse

Absent: Serena Furman, Chair  
Ingeborg Hegemann Clark

Also Present: Kathy Sferra, Conservation Coordinator  
Jacquie Goring, Conservation Assistant  
Tom Porcher, Associate Member

Matt Styckiewicz called the meeting to order at 7:30 pm.

**Minutes**

*Holly Clack moved to approve the minutes of January 18, 2022 as amended. Liza Mattison seconded and the motion was approved unanimously (5-0) on a roll call vote.*

**Review/Approve 2021 Annual Report** – *Liza Mattison moved to approve the 2021 annual report as amended. Jeff Saunders seconded and the motion was approved unanimously (5-0) on a roll call vote.*

**Staff and Commission Member Updates**

- The Massachusetts Association of Conservation Commissions annual meeting will be held virtually in March. Funds are available for Commission Members to attend. Holly Clack and Liza Mattison are interested in attending.
- Sferra reviewed a recent appeals court decision regarding the Lynnfield Conservation Commission (LCC) which had failed to open a hearing within the required 21 days. For this reason, the applicant sought a determination from DEP which issued an Order of Conditions (Order) approving the project (while meanwhile, the LCC denied it). A Superior Court judge ruled in favor of the LCC, however the appeals court reversed it stating that the LCC's failure to comply with the timing requirements did cause it to lose its authority to enforce the bylaw.
- The Select Board has received the Local Initiative Program application for the Stow Acres development. Sferra submitted the Commission's letter of support to the Select Board. Sferra

confirmed that the agreement for the North Course purchase is still being worked on and she has submitted the expression of interest for the MVP grant and is awaiting feedback.

- Staff will provide the Commission a draft request for American Rescue Plan Act (ARPA) funds at the next meeting. The deadline for requests is March 1<sup>st</sup>.
- Tom Porcher provided an update on the Green Advisory Committee and the goal for the Stow Municipal Affordable Housing Trust Red Acre Road project to be all electric. Sferra noted that she will be requesting to be on a Green Advisory Committee agenda to discuss the MVP grant application.
- Sferra confirmed she reached out to the Waterways Program about Chapter 91 but has not heard back. A new circuit rider was just appointed for the DEP Central region. Sferra will reach out about meeting to discuss permitting long-standing projects within the Commission's jurisdiction.
- Sferra confirmed she is waiting to hear back from the property owner about which surveyor to select for the Billadell Road survey.

**Notice of Intent – Don McPherson – Minute Man Air Field – 302 Boxboro Road –** Matt Styckiewicz read the hearing notice. Property owner Don McPherson and representative MaryAnn DiPinto were present. McPherson stated that he decided to close the turf east-west runway last fall and lease out the land to Robinson Marine for boat storage and New England Tree Masters for log processing. McPherson stated that they have been using the existing access road which is now muddy and rutted. McPherson would like to excavate the surface of the access road and replace it with gravel. McPherson added that a headwall on the culvert that runs under the main runway was damaged while trying to clear a beaver dam.

DiPinto clarified that there are two other headwalls that need to be repaired. One is located where a cattail marsh collects stormwater off the taxiway before flowing into the brook. Rocks from the headwall have fallen into the marsh and will be replaced and capped with a concrete slab. The second headwall repair is located at the runway where mortar has deteriorated. The fallen stones from this headwall will also be replaced and capped with a concrete slab to limit rainfall from seeping in and causing damage. McPherson added that headwall work on the culvert under the taxiway was done under a previous Order.

DiPinto stated that the wood processing area has been demarcated with silt fencing. The wood processing includes storage of logs that are cut into lengths and then brought offsite by logging trucks. Excess materials are chipped into a truck and taken offsite. Both raw and processed logs will be staged onsite. The wood processing area was previously grass but is now muddy due to truck traffic. A tracking pad was constructed to prevent soil from the wheels of the trucks from tracking onto the pavement. DiPinto noted that soil is proposed to be removed from the access road and replaced with gravel, to avoid filling flood plain.

Ingeborg Hegemann Clark, Liza Mattison, and Kathy Sferra have visited the site. Sferra shared photos. Mattison described the sunken culvert under the existing access road and asked for clarification on the work proposed to repair it. McPherson stated that both ends of the culvert have settled and he would like to lift them up to restore the function of the culvert. DiPinto clarified that the work would be done during low flow. McPherson confirmed that the access road was existing when the airport was

purchased in 1966. DiPinto stated that the access road is an agricultural road for the firewood business. McPherson noted that the road was grassy but turned into mud due to truck traffic. Straw wattles have been installed along the access road to prevent erosion. Mattison noted that the road was snow covered during the site visit. McPherson noted that Hegemann Clark suggested during the site visit that the access road only be twelve feet wide, and the gravel not be used across the widened areas. McPherson added that they have stopped using the access road until a permit is issued and are driving across the aircraft operating area which is not a good long-term alternative.

Mattison noted that the logs are stacked within 25 feet of wetlands with silt fence along the line. McPherson stated that the silt fence has not been toed in but is being used as a limit of work. Sferra asked if the silt fence will be moved to the 35' no disturb buffer line and the logs moved outside the 35' no disturb buffer. Mattison noted it was discussed during the site visit. McPherson stated he was initially agreeable to moving the work area outside the 35' no disturb buffer but now he does not want to give up usable space. McPherson added that the airport property is large but crowded and he does not want to arbitrarily give up space. McPherson requested a waiver of the 35' no disturb buffer to leave the silt fence and logs in place within 25 feet of wetlands.

McPherson confirmed that the log processing operation is under a one-year lease, but they may want to extend. McPherson stated he is looking down the road at potential uses for that space. DiPinto confirmed that they would like to put stone down between the area of finished and unfinished logs.

Mattison reviewed photos of the headwalls from the site visit. McPherson stated that the main problem is the upstream culvert where the headwall was damaged while he was removing a beaver dam causing flooding on the runway. McPherson stated the flooding was so severe he could not see anything as he was clearing the culvert. DiPinto stated that plywood will be put down to prevent erosion during construction and the fallen rocks will be replaced. DiPinto added that filter fabric will also be used to prevent material from falling through the rocks and into the brook. McPherson stated that they had to go around the eroded area while plowing which is an issue because snowbanks must be kept 25 feet from the runway.

Mattison noted the confusion on the number of headwall repairs in the application. DiPinto stated that three total headwall repairs are needed, one by the cattail marsh, and two at the runway. DiPinto noted that the cattail marsh headwall repairs are minor and only include picking up and replacing fallen rocks. She clarified the locations of the headwalls on a plan. The Commission noted that they typically see a construction plan showing erosion controls. McPherson stated that erosion controls are included on the submitted hand sketch.

McPherson confirmed that he and his staff will be doing the work. Wooden posts will be put behind the culvert on the water side to secure the plywood. The culvert will remain open during the work. McPherson stated that they will replace fallen rocks and place gravel behind the headwall. An erosion control barrier will be installed to prevent erosion in the stream. McPherson stated that he is trying to get funding to replace the culvert over the long-term.

The Commission discussed the request to allow log storage within the 35' no disturb buffer and asked McPherson what the public benefit is for the waiver request. McPherson confirmed the logs can be moved but he does not want to give up usable space. McPherson stated that the airport is part of the national air transportation system and must break even financially which is hard to do when giving up usable space while not hurting the environment. DiPinto added that the area was previously in use as part of the airfield. McPherson confirmed gravel will not be placed in the 35' no disturb buffer. Sferra recommended the Commission look at the request as if the logs are not already in place since work commenced without a permit. McPherson has also requested a partial bylaw fee waiver. Sferra noted that the airfield is a very large lot, but the footprint of the work is small. Sferra confirmed that the Commission has approved similar partial fee waivers in the past.

Max Lamson, 15 Whelden Lane, expressed concerns about the log cutting business altering wetland buffer zones and impacts of stacked logs on wildlife. The Commission noted that these concerns would be discussed further as part of the decision, including the request to waive the 35' no disturb buffer. Styckiewicz explained the Commission's jurisdiction and the bylaw. Lamson also asked if the Commission is coordinating with the Planning Board on the new uses on the property and expressed concern about noise. McPherson stated he has not applied for other permits, and he would be willing to move the log cutting further from Lamson's property to mitigate noise. Lamson added that he does not see log processing listed as an industrial use in the zoning bylaw and does not feel it is connected to airport operations. Sferra noted that the Planning Board and Building Commissioner have received copies of the permit, and zoning and noise issues are outside the Commission jurisdiction.

Claudia Mueller Thompson, 9 Whelden Lane, was present and expressed concerns about noise and logging trucks speeding on Boxboro Road. The Commission noted these concerns are outside their jurisdiction and recommended Mueller Thompson contact the Planning Board.

Sferra asked where the soil that is removed from the access road will be stockpiled. McPherson confirmed it can be stockpiled outside the flood plain. Sferra noted that the application was incorrectly filed as a buffer zone only project and requested an approximate calculation of impacts to Bordering Land Subject to Flooding (BLSF). DiPinto stated that the area was already disturbed, including an access road and grass runway. McPherson noted he is not putting gravel across the entire log cutting area. Sferra clarified that the wood processing and storage of logs will still alter square footage of BLSF. The Commission expressed frustration about the presentation and incomplete application. DiPinto estimated 10,000 square feet of impacts to BLSF. Styckiewicz confirmed a file number has been issued by DEP. *Doug Morse moved to close the hearing. Jeff Saunders seconded and the motion was approved unanimously (5-0) on a roll call vote.*

**Appointment – Lake Boon Dam Design Update & Discussion** – Stephen Spink and TJ Blair, Weston & Sampson, and Steve Nadeau, Stow Superintendent of Streets were present. Spink noted that since their last meeting with the Commission, design changes have been made as a result of emergency repairs that occurred in August 2021 and the prior discussion with the Commission. A Notice of Intent is expected to be filed by Weston & Sampson on behalf of the Town in the coming weeks. Spink reviewed a presentation on the updated Lake Boon dam design including background on the dam and

the noncompliance order issued by the Office of Dam Safety. The design changes include replacement of the spillway, modification of the roadway alignment, permanent sheet piling on the upstream side of the dam, and flattening and reshaping the existing slope within the dam footprint. Spink noted that the plan changes will reduce the impacts to wetlands.

Spink reviewed the temporary emergency repairs made to the dam to repair the sink hole that developed in August. Blair reviewed an illustrative plan showing the existing conditions and resource areas including Bailey Brook, bordering vegetated wetland, an intermittent stream that flows into Bailey Brook, and Lake Boon. Blair noted that the most significant plan change is the proposed permanent steel sheet pile wall on the upstream side of the dam. The roadway alignment is proposed to be shifted toward the lake. Blair stated the new design also includes a larger spillway which will match the discharge rate of a 100-year flood event without increasing flood levels downstream. Blair reviewed the impacts to wetlands and land underwater including placement of fill to construct the new offset roadway. Blair also reviewed the areas proposed for restoration and replication. He noted the reduction in wetland impacts from the previous plan. Blair added that the new design will allow for a flatter grade on the downstream slope. This is favorable from the Office of Dam Safety standpoint as it allows the slope to be mowed regularly with existing Town equipment. Spink added that modifying the roadway alignment allows the work area to remain within the footprint of the existing dam, reducing the impact to resource areas. This will also allow more balanced cut and fills, favorable construction access, easier dam maintenance, and reduce abutter impacts. Spink reviewed the next steps including filing for an Executive Office of Energy and Environmental Affairs dam grant, 90% design plans, applying for permits, and bidding.

The Commission noted the reduction in downstream impacts but asked for clarification on the upstream impacts. Blair and Spink confirmed the new design will have more impact on the upstream side, specifically to land under water, while minimizing the impact on the downstream side. Spink confirmed that work will still need to be completed from the roadway and the construction access will be needed to place fill and grade the downstream slope.

Bob Collings, 137 Barton Road, expressed concern about public safety access during construction. Nadeau stated that he will be coordinating with Police and Fire and reaching out to the abutters once the permitting process is complete and the construction sequence is better defined. The Commission reminded the public that comments should be pertinent to the Commission's jurisdiction. Collings clarified that a temporary road will be constructed across wetlands to allow for construction access and will be restored. Collings expressed concern about Barton Road not being widened as part of the road realignment.

Dan Barstow, Lake Boon Commission, thanked the Town and Weston & Sampson for the quick emergency response and repair last year. Barstow noted the Healthy Lake Boon Initiative project has collected extensive measurements of flow through the spillway. Barstow asked if Weston & Sampson has calculated flow rates for the new spillway design. Blair confirmed that the Healthy Lake Boon Initiative data was used to refine the hydraulic model to select a spillway to match the discharge rate of a 100-year flood event without changing flood levels downstream and allow a 500-year flood event

without overtopping. Blair added that aluminum stop blocks have been designed to allow for annual drawdown which will be much easier to remove and replace than the existing wooden boards.

Dave Gray, Lake Boon Association, asked if the new spillway design will allow for a lower drawdown if permitting was approved to do so. Blair confirmed that the lake could be drawn down further than the existing fourteen inches. Spink described the sheet pile wall which would be capped with a concrete slab and would resemble a concrete curb at the surface.

Sferra commented that the functions and values of the impacted wetlands and the proposed upland replication areas should be considered before Weston & Sampson gets further into the replication design. Sferra added that if the project is filed as a limited project, it would be within the Commission's discretion to waive replication in part or whole. Sferra recommended a site visit be conducted to review any areas proposed to be cleared for replication.

Stanley Rockwell, 64 Pine Point Road, asked how long the construction would take and when there would be an open discussion of the project. The Commission clarified that the project is only in the initial design phase and there is no estimate on construction time. Public comment would be taken during the public hearing process once a NOI is filed. Spink added that they must move toward construction in a timely manner while they maintain the stability of the existing dam. Spink added that the dam is inspected frequently by the Town, Weston & Sampson, and the Office of Dam Safety.

**Decision – 302 Boxboro Road** – The Commission discussed their concerns about the wood processing work occurring within the 35' no disturb buffer, the need for public benefit for the waiver, and the precedent set by similar projects. The Commission also discussed restoration of the 35' no disturb buffer. The Commission also expressed concerns about erosion during the headwall repair and lack of a detailed construction plan. Given the late hour, the Commission requested to move the decision to the next agenda to allow for more time to prepare the decision.

*At 9:45 PM, Holly Clack moved to adjourn, Jeff Saunders seconded and the motion was approved unanimously (5-0) on a roll call vote.*

Respectfully submitted,

Jacquelyn Goring, Conservation Assistant

#### Materials Used at Meeting

Meeting Packet

302 Boxboro Road site visit photos

Lake Boon Weston & Sampson Presentation